

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

Case No. 10-CR-20581

v.

LARI ZEKA

Defendant(s)

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**ORDER DENYING DEFENDANT'S  
MOTION FOR NOTICE OF 404(b) EVIDENCE**

Pending before the court is Defendant's motion for notice of 404(b) evidence (Dkt. #12).

Eastern District of Michigan Local Rules require that a movant in any motion to seek concurrence in motions and, if concurrence is not obtained, to report that a conference between attorneys was held but concurrence was not obtained, or that despite reasonable efforts the movant was unable to conduct such a conference. E.D. Mich. LR 7.1(a). No exception is made for criminal cases. E.D. Mich. LR 1.1(c) ("These rules apply in civil and criminal actions."). The present motion neither mentions nor explains any effort to seek concurrence and to agree upon a result without involving the court.

In addition, a mere "request" is all that is required for 404(b) evidence to be revealed. Formal motions in lieu of requests are clutter. A similar observation applies to a motion for *Brady* materials. *Brady* principles apply with or without a motion.

Accordingly, IT IS ORDERED that Defendant's motion (Dkt. #12) is **DENIED**.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: October 15, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 15, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522